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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,536	06/07/2001	Daniel S. McIntyre	D-1142	7578

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EXAMINER

LABAZE, EDWYN

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,536

Applicant(s)

MCINTYRE ET AL.

Examiner

EDWYN LABAZE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 20-27 and 30-43 is/are rejected.
- 7) ☒ Claim(s) 11-19, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 11/12/2002.
2. Claims 1-43 are presented for examination.
3. This application claims the benefits of provisional application No. 60/210,849 filed on 06/09/2000.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-9, 27, 31, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukatsu (U.S. 4,510,381).

Re claims 1 and 27: Fukatsu discloses automatic transaction machine, which includes a housing or enclosure 1 (col.3, line 45) wherein the enclosure is adapted to house a card actuated terminal 21 (col.4, lines 10+), a movable cover/member 15 in supporting connection with the enclosure, wherein the drive enables selective moving the cover between an open position wherein the terminal is accessible from the outside and a closed position wherein access to the terminal from outside the enclosure (col.3, lines 62+), also includes a remote control device 13 in operative connection with the drive to cause the cover to move between open and closed positions (col.5, lines 9-36).

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Re claim 3: Fukatsu teaches a system, wherein the enclosure/housing 1 includes a projecting portion 155a, wherein the projection extends vertically overlying relation of the terminal (col.9, lines 25+).

Re claim 4: Fukatsu discloses a system, wherein the closed cover position is in generally abutting engagement with the projection portion (See Fig. # of Fukatsu).

Re claim 5: Fukatsu teaches a system, wherein the enclosure 1 includes a projecting portion and wherein the terminal 21 includes a display 7, and wherein the projecting portion vertically overlies the display (See Fig. # 1 of Fukatsu).

Re claims 6-8: Fukatsu discloses a system, which includes a shelf portion in connection with the enclosure 1 and underlying the terminal 21, adapted to prevent items from falling in the open position (see Fig. # 9 of Fukatsu).

Re claim 9: Fukatsu discloses a system, wherein the terminal includes a front surface and two opposed side surfaces, wherein the cover 15 is configured such that in the open position the front and two opposed side surfaces of the terminal are accessible from the enclosure (See Fig. # 2 of Fukatsu).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 10, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukatsu (U.S. 4510,381) in view of Bustos (U.S. 5,816,443).

The teachings of Fukatsu have been discussed above, and further discloses the automatic transaction machine suitably installed in an outdoor wall (col.3, lines 43+).

Fukatsu fails to teach an apparatus, wherein the terminal is accessible from a drive-through lane.

Bustos discloses product-vending system with pneumatic product delivery, which includes a drive-through lane (See Fig.# 1 of Bustos) and pneumatic tube conveyor 30 (col.8, lines 60+).

In view of Bustos' teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to utilize into the teachings of Fukatsu a drive-through lane so as to permit the customer the opportunity of using the machine without leaving the vehicle. Furthermore, such modification would have be beneficial to the customer by saving time, need not to be in line for a service customer inside the branch/location, and most notably receiving faster services. Moreover, such modification would have been an obvious extension as taught by Fukatsu, therefore an obvious expedient.

8. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukatsu (U.S. 4510,381).

The teachings of Fukatsu have been discussed above.

Fukatsu fails to teach a terminal comprising of a credit, debit card terminal and operative with a cash register.

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However, Fukatsu discloses that the card reader 21 has a magnetic head 34 and reads card information from a card inserted through the card insertion port.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to utilize into the teachings of Fukatsu a credit/debit card at the card reader in order to conduct various types of business transactions. Furthermore, such modification would give the user all possible choices of either making a payment for goods/services (through cash, credit or debit cards), withdrawing and/or depositing money. Moreover, such modification would have been an obvious extension of the teaching of Fukatsu.

9. Claims 2, 25-26, 40 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukatsu (U.S. 4510,381) in view of Albert et al. (U.S. 5,991,410).

The teachings of Fukatsu have been discussed above.

Fukatsu fails to teach a system, wherein the card-activated terminal comprises a terminal adapted to communicate through wireless communication methods and a releasable mounting device holding the terminal.

Albert et al. discloses wireless adaptor and wireless financial transaction system, which includes means to conduct wireless transaction through a card terminal 100 (col.5, lines 37-67).

In view of Albert et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to utilize into the teachings of Fukatsu a wireless card terminal in order to conduct wireless financial transactions. Furthermore, such modification would be advantageous to the user by permitting the customer to remove the terminal from the enclosure, a much easy way to perform business transactions while sitting in

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the car, and preventing stress and stretch from the seat's vehicle while operating the terminal.

Moreover, such modification would have been an obvious extension as taught by Fukatsu.

10. Claims 30-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukatsu (U.S. 4,510,381) in view of Domain et al. (U.S. 5,158,155).

The teachings of Fukatsu have been discussed above, further includes means of reading a card through operation of the terminal (col.3, lines 5-40) and closing the cover responsive to an input to the remote control device (col.14, lines 57-67 and col.15, lines 1+).

Fukatsu fails to teach means of making payment in exchange for a medical item provided from the drive-through lane of a pharmacy and wherein the deal drawer is extended through a building wall of said pharmacy.

Domain et al. discloses vendor's structural complex, which includes a pneumatic dispatch transfer system 62 (col.12, lines 1+) for providing pharmaceutical items and the like (col.9, lines 65+).

In view of Domain et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Fukatsu means of making payment in exchange for a medical item provided from the drive-through lane of a pharmacy. Furthermore, drive-through system and means of using thereof for medical item has been in existence in the market and is known in the art (such CVS, and Rite-Aid have drive-through lane for pick-up prescriptions, most banks nowadays have drive-through systems using pneumatic tube conveyors for serving their patronage). Further, the structural system of Fukatsu, which includes the movable cover for protecting the terminal and operation section inside the enclosure from burglar and unwanted customers/users, would add more

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security to the property. Moreover, such modification would have been an obvious extension as taught by Fukatsu.

Allowable Subject Matter

11. Claims 11-19 and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record, Fukatsu, taken alone or in combination with any other references, fail to teach/suggest a system, wherein the input to the remote control device to open the cover and access the terminal is enabled to be provided by service provider in the interior area of the building adjacent to the drive-through lane. These limitations in conjunction with other limitations in the claimed invention were not shown by the prior art of record.

Response to Arguments

Applicant's arguments filed on 4/23/2003 have been fully considered but they are moot in light of new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sheppard (U.S. 5,970,888) discloses bank teller station.

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Campbell et al. (U.S. 4,393,788) teaches retractable protective-screens and equipment including them.

Kruse, B (EP 1093092A) discloses self-service automatic bank teller machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

el
Edwyn Labaze
Patent Examiner
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July 11, 2003

A handwritten signature in black ink, appearing to read 'Karl D. Frech', written in a cursive style.

KARL D. FRECH
PRIMARY EXAMINER